

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

WALTER EDWARD LEMM, JR.,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

vs.

NEW YORK COMMUNITY BANCORP,  
INC., THOMAS R. CANGEMI, and JOHN J.  
PINTO,

Defendants.

No. 24-cv-00903-NRM-JRC

**STIPULATION AND MODIFIED  
[PROPOSED] SCHEDULING ORDER**

Lead Plaintiff Boston Retirement System (“Lead Plaintiff”) and Defendants New York Community Bancorp, Inc., Thomas R. Cangemi, and John J. Pinto (collectively, the “Defendants” and, together with Lead Plaintiffs, the “Parties”), hereby stipulate and agree as follows:

WHEREAS, on February 6, 2024, Walter Edward Lemm Jr. commenced this action and filed an initial complaint captioned *Lemm v. New York Community Bancorp, Inc.*, No. 1:24-cv-00903-NRM-RC (E.D.N.Y.) (the “Action”) and on February 13, 2024, Dale Miskey filed another complaint captioned *Miskey v. New York Community Bancorp, Inc.*, No. 2:24-cv-01118-NRM-RC (E.D.N.Y.) (the “Miskey action”);

WHEREAS, on March 8, 2024, the Defendants and the initial named plaintiffs in this Action and in the *Miskey* Action filed a Joint Stipulation and Proposed Order Extending Time to Respond to Complaint. ECF No. 8 (the “Joint Stipulation”);

WHEREAS, on March 12, 2024, the Court granted the Joint Stipulation and ordered that within 20 days following the appointment of lead plaintiff(s), Defendants shall meet and confer with lead plaintiff(s) and provide a proposed schedule to the Court for filing or designation of an

operative complaint and the date by which the Defendants must answer, move or otherwise respond to the operative complaint, including to the extent applicable, Defendants' submission of a letter requesting a pre-motion conference in accordance with the Court's Individual Practice Rules. ECF No. 9;

WHEREAS, Lead Plaintiff timely filed a motion for appointment as lead plaintiff and of lead counsel pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 (the "PSLRA") in the Action. ECF No. 13 (the "Lead Plaintiff Motion");

WHEREAS, on May 7, 2024, the Court granted the Lead Plaintiff Motion and consolidated the *Miskey* Action into the Action. ECF No. 44 (the "Lead Plaintiff Order");

WHEREAS, on May 20, 2024, Sand Hollow Management, LLC, moved for reconsideration of the Lead Plaintiff Order. ECF No. 47 (the "Reconsideration Motion");

WHEREAS, on May 21, 2024, plaintiff *Miskey* filed a Voluntary Dismissal Without Prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure (*Miskey* Action ECF No. 36);

WHEREAS, the PSLRA was enacted in part so that the plaintiff most capable of adequately representing the interests of absent class members would serve as lead plaintiff and select competent lead counsel to adequately prosecute securities class actions, including by conducting a thorough investigation into the factual matters alleged therein;

WHEREAS, Lead Plaintiff did not file the initial complaint in the Action or the *Miskey* Action but plans to file an amended complaint (the "Amended Complaint") based in part on Lead Counsel's ongoing investigation and Defendants plan to answer, move to dismiss, or otherwise respond to the Amended Complaint;

WHEREAS, securities class actions are complex litigation and good cause exists to allocate appropriate time and resources to fully investigate, plead, and brief the allegations;

WHEREAS, on May 28, 2024, in accordance with ECF No. 9, the Parties filed a stipulation setting the schedule for Lead Plaintiff's filing of the Amended Complaint for August 7, 2024, as well as a schedule for Defendants' response thereto (ECF No. 51) (the "May 28 Stipulated Schedule");

WHEREAS this Court has not yet so-ordered the May 28 Stipulated Schedule;

WHEREAS, Lead Plaintiff requested Defendants' consent to a modification of the May 28 Stipulated Schedule extending the date for Lead Plaintiff's filing of the Amended Complaint from August 7, 2024, to September 11, 2024;

WHEREAS, Defendants consent to Lead Plaintiff's requested modification to the May 28 Stipulated Schedule extending the date for Lead Plaintiff's filing of the Amended Complaint from August 7, 2024 to September 11, 2024, so long as this consent should not be construed to prejudice in any way the pending "Joint Stipulation to Consolidate and Stay" filed in the "Related Derivative Actions" before this Court<sup>1</sup> in which New York Community Bancorp., Inc. and the Related Derivative Action plaintiffs stipulated and agreed that "all proceedings and deadlines in the Related Derivative Actions shall be stayed pending resolution of the Related Securities Actions, whether by dismissal with prejudice or entry of final judgment, except that any party may lift the stay upon 20 days' notice by filing a notice with the Court requesting such relief"; and

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<sup>1</sup> The Related Derivative Actions and docket entry for the Joint Stipulation to Consolidate and Stay are as follows: *Hauser v. Cangemi*, No. 24-cv-01207 (NRM)(JRC) (ECF No. 10); *Pierce v. Cangemi*, No. 24-cv-01408 (NRM) (JRC) (ECF No. 8); *Karp v. Cangemi*, No. 24-cv-01421 (NRM) (JRC) (ECF No. 9); and *Wang v. Cangemi*, No. 24-cv-01422 (NRM) (JRC) (ECF No. 7).

WHEREAS, the Parties propose the following modified schedule extending the date for the filing of the amended complaint and otherwise adopting the same schedule for Defendants' response.

IT IS HEREBY STIPULATED AND AGREED among the Parties that, subject to Court approval:

1. The Parties withdraw the May 28 Stipulated Schedule.
2. Lead Plaintiffs will file an amended complaint on or before September 11, 2024.
3. Within 30 days after the later of (i) the filing of the Amended Complaint and (ii) the resolution of any motion for reconsideration of or objection to the Lead Plaintiff Order, including resolution of the pending Reconsideration Motion by this Court, Defendants shall answer the Amended Complaint or file a letter motion requesting a pre-motion conference if Defendants intend to seek to move to dismiss or otherwise respond to the Amended Complaint; and
4. In the event Defendants move to dismiss the Amended Complaint, the Parties respectfully request that the Court enter the following briefing schedule:
  - a. Defendants shall file motion(s) to dismiss within 60 days of the Court's grant of permission to do so;
  - b. Lead Plaintiff shall file its opposition(s) to the motion(s) to dismiss within 60 days of such motion(s); and
  - c. Defendants shall file any replies in support of the motion(s) to the dismiss within 45 days of Lead Plaintiff filing its opposition(s).
5. Defendants preserve and do not waive any rights, remedies, objections, defenses or arguments.

6. Defendants' consent to this revised schedule should not be construed to prejudice in any way the pending Joint Stipulation to Consolidate and Stay filed in the Related Derivative Actions.

IT IS SO STIPULATED

Dated: July 19, 2024

Respectfully submitted,

/s/ Lisa Strejlau

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*Attorneys for Defendants*

**IT IS SO ORDERED.**

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Date